

1 ANDRÉ BIROTTE JR.
United States Attorney
2 ANTOINE F. RAPHAEL
Assistant United States Attorney
3 Chief, Riverside Branch Office
JERRY C. YANG
4 Assistant United States Attorney
California Bar Number 241323
5 Riverside Branch Office
3880 Lemon Street, Suite 210
6 Riverside, California 92501
Telephone: (951) 276-6221
7 Facsimile: (951) 276-6202
E-mail: jerry.yang@usdoj.gov
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Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) ED No. 97-21-M-1
13)
Plaintiff,) GOVERNMENT'S MOTION TO DISMISS
14) CRIMINAL COMPLAINT AGAINST
v.) DEFENDANT FRANCISCO GONZALEZ
15) OCHOA
16 FRANCISCO GONZALEZ OCHOA,)
17)
Defendant.)
18)

19 Plaintiff United States of America, by and through its
20 counsel of record, Assistant United States Attorney Jerry C.
21 Yang, hereby moves to dismiss the criminal complaint against
22 FRANCISCO GONZALEZ OCHOA in the above-captioned case. This
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FILED
2012 MAY - 1 AM 11:28
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE
BY: *[Signature]*
lodged (proposed) order

1 motion is based on the attached memorandum of points and
2 authorities.

3 Dated: May 1, 2012

Respectfully submitted,

4 ANDRÉ BIROTTE JR.
United States Attorney

5 ANTOINE F. RAPHAEL
6 Assistant U.S. Attorney
7 Chief, Riverside Branch Office

8 /s/
9 JERRY C. YANG
Assistant United States Attorney

10 Attorneys for Plaintiff
11 United States of America
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MEMORANDUM OF POINTS AND AUTHORITIES

On or about September 19, 1997, the United States filed a complaint charging defendant Francisco Gonzalez Ochoa with violating 18 U.S.C. § 1073: Unlawful Flight to Avoid Prosecution. To date, defendant has not yet been apprehended and is believed to be in Mexico. At this point, however, there have been no indications that defendant is likely to return to the United States.

Accordingly, in light of that fact, and the age of this complaint and arrest warrant, the United States believes that the interests of justice are best served at this time by the dismissal of the Complaint against defendant and hereby moves, under Federal Rule of Criminal Procedure 48(a), to dismiss the complaint against defendant without prejudice.

Dated: May 1, 2012

Respectfully submitted,

ANDRÉ BIROTTE JR.
United States Attorney

ANTOINE F. RAPHAEL
Assistant U.S. Attorney
Chief, Riverside Branch Office

/s/
JERRY C. YANG
Assistant United States Attorney

Attorneys for Plaintiff
United States of America